

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

TRAFFIC INFORMATION, LLC

*Plaintiff,*

VS.

AMERICAN HONDA MOTOR CO., INC.,  
CBS RADIO INC., CREST INFINITI II, L.P.,  
MERCEDES-BENZ USA, LLC,  
NISSAN NORTH AMERICA, INC.,  
PIONEER ELECTRONICS (USA) INC.,  
TOYOTA MOTOR SALES, U.S.A., INC.,  
XM SATELLITE RADIO HOLDINGS INC.,  
XM SATELLITE RADIO INC., XM  
RADIO INC., NAVTEQ CORPORATION,  
and TRAFFIC.COM, INC.

*Defendants.*

Case No. 2:07-cv-391

## JURY TRIAL DEMANDED

## COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants American Honda Motor Co., Inc. (“American Honda”), CBS Radio Inc. (“CBS Radio”), Crest Infiniti II, L.P. (“Crest”), Mercedes-Benz USA, LLC (“Mercedes”), Nissan North America, Inc. (“Nissan”), Pioneer Electronics (USA) Inc. (“Pioneer”), Toyota Motor Sales, U.S.A., Inc. (“Toyota”), XM Satellite Radio Holdings Inc. (“XM Holdings”), XM Satellite Radio Inc. (“XM”), XM Radio Inc. (“XM Radio”), Navteq Corporation (“Navteq”), and Traffic.com, Inc. (“Traffic.com”), and alleges:

## THE PARTIES

**1.** Traffic is a limited liability company organized and existing under the laws of the State of Texas.

2. On information and belief, American Honda is a corporation organized and existing under the laws of California, has a principal place of business at 1919 Torrance Boulevard, Torrance, California 90501, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

3. On information and belief, CBS Radio is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1515 Broadway, New York, New York 10036, has designated its registered agent for purposes of service of process as Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, and is doing business in this judicial district.

4. On information and belief, Crest is a limited partnership organized and existing under the laws of Texas, has a principal place of business within this district at 2501 North Central Expressway, Plano, Texas 75075, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

5. On information and belief, Mercedes is a limited liability company organized and existing under the laws of Delaware, has a principal place of business at One Mercedes Drive, Montvale, New Jersey 07645, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

6. On information and belief, Nissan is a corporation organized and existing under the laws of California, has a principal place of business at 333 Commerce Street, Nashville, Tennessee 37201, has designated its registered agent for purposes of service of process as LexisNexis

Document Solutions Inc., 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, and is doing business in this judicial district.

**7.** On information and belief, Pioneer is a corporation organized and existing under the laws of Delaware, has a principal place of business at 2265 East 220<sup>th</sup> Street, Long Beach, California, 90810, has designated its registered agent for purposes of service of process as Gregory R. Pierson, 2265 East 220<sup>th</sup> Street, Long Beach, California 90810, and is doing business in this judicial district.

**8.** On information and belief, Toyota is a corporation organized and existing under the laws of California, has a principal place of business at 19001 South Western Avenue, Torrance, California 90501, has designated its registered agent in Texas for purposes of service of process as The Prentice-Hall Corporation System, Inc., 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

**9.** On information and belief, XM Holdings is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1500 Eckington Place, NE, Washington, D.C 20002, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

**10.** On information and belief, XM is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1500 Eckington Place, NE, Washington, D.C 20002, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 1021 Main Street, Suite 1150, Houston, Texas 77002, and is doing business in this judicial district.

**11.** On information and belief, XM Radio is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1500 Eckington Place, NE, Washington, D.C. 20002, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

**12.** On information and belief, Navteq is a corporation organized and existing under the laws of Delaware, has a principal place of business at 222 Merchandise Mart, Suite 900, Chicago, Illinois, 60654, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

**13.** On information and belief, Traffic.com is a corporation organized and existing under the laws of Delaware, has a principal place of business at 851 Duportail Road, Wayne, Pennsylvania 19087, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

#### **JURISDICTION AND VENUE**

**14.** This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

**15.** Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

**16.** On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from

residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

**17.** On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district, which products and services have been offered for sale, sold and used in Texas and/or this judicial district.

**18.** Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

**19.** Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

#### **PATENT INFRINGEMENT**

**20.** On August 31, 2004, U.S. Patent No. 6,785,606 (“the ‘606 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit A, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘606 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

**21.** Upon information and belief, each defendant, either alone or in conjunction with others, has in the past and continue to infringe, contribute to infringement, and/or induce infringement of the ‘606 patent by making, using, selling and/or offering to sell, and/or causing others to use, products and services, which in combination with other devices and systems, and in use, are covered by at least one claim of the ‘606 patent. Defendants are liable for infringement of the ‘606 patent pursuant to 35 U.S.C. § 271.

**22.** One or more of the defendants have committed acts of patent infringement in this district by offering to sell and selling products in this district which in use and in combination with other devices infringe one or more claims of the '606 patent.

**23.** Each defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant's wrongful acts in an amount subject to proof at trial.

**24.** Defendants Traffic.com, Navteq, XM Radio (and its related entities XM and XM Holdings), and Pioneer (through its related entity Pioneer Electronics of Canada, Inc.) were given actual notice and copies of the '606 patent on or about October 24, 2005.

**25.** Upon information and belief, the infringement of the '606 patent by Traffic.com, Navteq, XM, XM Radio, XM Holdings and Pioneer has been and continues to be willful and deliberate.

**26.** As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Traffic prays for entry of judgment that:

- A.** Each defendant has infringed the '606 patent;
- B.** Each defendant account for and pay to Traffic all damages caused by its individual and/or joint infringement of the '606 patent in accordance with 35 U.S.C. § 284;
- C.** The infringement of the '606 patent by Traffic.com, Navteq, XM, XM Radio, XM Holdings and Pioneer has been willful and deliberate, that the Court increase the amount of damages

as a result of the infringement by Traffic.com, Navteq, XM, XM Radio, XM Holdings and Pioneer to three times the amount found or assessed by the Court because of the willful and deliberate nature of the infringement, all in accordance with 35 U.S.C. § 284;

**D.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

**E.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant's patent infringement complained of herein;

**F.** Traffic be granted its reasonable attorneys' fees;

**G.** Costs be awarded to Traffic; and,

**H.** Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

#### **DEMAND FOR JURY TRIAL**

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: September 7, 2007

By: /s/ Robert Christopher Bunt

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